

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL J. DeFREITAS,  
  
Plaintiff,  
  
v.

No. 2:12-cv-235-JLR

DEFENDANT NBC UNIVERSAL'S REPLY  
IN SUPPORT OF MOTION FOR  
PROTECTIVE ORDER

CHARLES TILLINGHAST, JENNIFER  
SIZEMORE, MSNBC Interactive News  
LLC, MSNBC Interactive News LLC d/b/a  
MSNBC and Does 1-5 Inclusive,  
  
Defendants.

**NOTE ON MOTION CALENDAR:**  
December 21, 2012

**I. INTRODUCTION**

Plaintiff failed to respond to Defendant NBC Universal (NBCU's) Motion for Protective Order (dkt. #37) and thus concedes that the Court should enter an order:

- (1) Fully relieving NBCU from providing any further response to Plaintiff's Requests For Production Nos. 3, 4, 16 and 18; and
- (2) Entering a protective order related to the treatment of Confidential documents such as sensitive non-party information (attached as Exhibit A to the Proposed Order).

**II. ARGUMENT**

A motion for protective order is noted for consideration the second Friday after filing. LCR 7(d)(2)(B). NBCU filed its Motion for Protective Order on Thursday, December 13, 2012, and noted it for consideration on Friday, December 21, 2012.

REPLY IN SUPPORT OF MOTION FOR  
PROTECTIVE ORDER (No. 2:12-cv-235) – 1

1 A party opposing a motion shall, within the time prescribed in LCR 7(d), file with the  
 2 clerk, and serve on each party that has appeared in the action, a brief in opposition to the motion,  
 3 together with any supporting material. LCR 7(b)(2). Any papers opposing a motion for  
 4 protective order "shall be filed and received by the moving party no later than the Wednesday  
 5 before the noting date." LCR 7(d)(2).  
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10 As of Friday, December 21, 2012, Plaintiff has not filed with the court or served on  
 11 Defendants any papers opposing Defendants' Motion for Protective Order. Second Declaration  
 12 of Chelsea Petersen in Support of Motion for Protective Order ¶ 2. Nor has Plaintiff offered any  
 13 reason for his failure to file. *Id.* Plaintiff's failure to file any opposition to NBCU's Motion for  
 14 Protective Order should be considered by the Court as an admission that NBCU's Motion for  
 15 Protective Order has merit. LCR 7(b)(2).  
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### 22 III. CONCLUSION

23 NBCU respectfully requests that the Court grant Defendant NBCU's Motion for  
 24 Protective Order and enter an order: (1) fully relieving NBCU from providing any further  
 25 response to Plaintiff's Requests For Production Nos. 3, 4, 16 and 18; and (2) entering the  
 26 protective order attached as Exhibit A to the Proposed Order.  
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33 DATED: December 21, 2012

34 By: s/ Valerie L. Hughes  
 35 By: s/ Chelsea Dwyer Petersen  
 36 Valerie L. Hughes, #11859  
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45 Attorneys for Defendants Tillinghast, Sizemore  
 46 and MSNBC Interactive News LLC  
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 48  
 49  
 50  
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**CERTIFICATE OF SERVICE**

On December 21, 2012, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following document:

**DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER**

Artis C. Grant, Jr., WSBA # 26204  
Grant & Associates  
3002 S. 47th Street  
Tacoma, WA 98409  
Phone: (253) 472-6213  
Fax: (253) 473-9695

Attorney for Plaintiff

☐ Via hand delivery  
☐ Via U.S. Mail, 1st Class,  
Postage Prepaid  
☐ Via Overnight Delivery  
☐ Via Facsimile  
☐ Via Email  
☒ Via Electronic Filing

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 21st day of December, 2012.

s/ Chelsea Dwyer Petersen  
Chelsea D. Petersen, WSBA # 33787